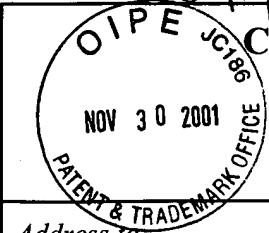


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process
CFR 12/7/01



**CONTINUED PROSECUTION APPLICATION (CPA)
UNDER 37 C.F.R. § 1.53(d)
REQUEST TRANSMITTAL**

Address to: Commissioner for Patents Box CPA Washington, D.C. 20231	Attorney Docket No.:	875.025US1
	First Named Inventor:	Beverly L. Davidson
	Express Mail No.:	EL 873 858 525 US
	Total Pages (if by fax):	0

This is a request for filing a continuation application under 37 CFR § 1.53(d) of prior application Serial No. 09/521,524, filed on March 8, 2000, entitled RAPID GENERATION OF RECOMBINANT ADENOVIRAL VECTORS.

The above-identified prior application in which no abandonment of, or termination of, proceedings has occurred, is hereby expressly abandoned as of the filing date of this request for a CPA. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (37 CFR 1.53(b) must be used for continuation-in-part applications or for applications where the prior application is not to be abandoned.)

- 1. ☐ Enter the amendment previously filed on ☐ under 37 CFR 1.116, but unentered, in the prior application.
- 2. ☒ A Preliminary Amendment (7 pages), plus Clean Version of Pending Claims (2 pages) is enclosed.
- 3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- 4. ☐ A new power of attorney is enclosed.
- 5. ☐ Information Disclosure Statement is enclosed.
 - a. ☐ Form(s) 1449
 - b. ☐ Copies of IDS Citations

12/06/2001 GTEFFERA 00000158 190743 09521524

01 FC:231 370.00 CH
02 FC:203 27.00 CH
03 FC:202 42.00 CH

12/07/2001 CTHOMASE 00000005 190743 09521524
01 FC:203 9.00 CH
02 FC:202 42.00 CH

The filing fee is calculated below on the basis of the claims existing in the prior application as amended at 1 and 2 on the previous page:

	No. Filed	No. Extra	Rate	Fee
TOTAL CLAIMS	23 - 20 =	3	x 9 =	\$27.00
INDEPENDENT CLAIMS	4 - 3 =	1	x 42 =	\$42.00
[] MULTIPLE DEPENDENT CLAIMS PRESENTED				\$0.00
BASIC FEE				\$370.00
TOTAL				\$439.00

6. X Small Entity Status:

- a. A small entity statement is enclosed.
- b. X A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. Is no longer claimed.

7. A check in the amount of \$0.00 is attached to pay the filing fee.


8. X The Commissioner is hereby authorized to credit overpayments or charge any fees set forth in 37 CFR 1.16 through 1.18 to Deposit Account No. 19-0743.

9. X A petition for extension of time in the prior application is enclosed along with a check in the amount of \$200.00 to pay the extension fee.

10. Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) (1 pg).

11. X Other : Copies of 4 cases: Atlas Powder Company (224 USPQ 409); In re Garner (162 USPQ 221); In re Janakirama-Rao (137 USPQ 89); and PPG Industries (48 USPQ2d).

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: 
Atty: Ann S. Viksnins
Reg. No. 37,748

Customer Number **21186**

"Express Mail" mailing label number: EL 873 858 525 US

Date of Deposit: November 30, 2001

This paper or fee is being deposited on the date indicated above with the United States Postal Service pursuant to 37 CFR 1.10, and is addressed to U.S. Patent and Trademark Office, Box CPA, P.O. Box 2327, Arlington, VA 22202.



S/N 09/521,524

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Beverly L. Davidson et al.

Examiner: Shanon A. Foley

Serial No.: 09/521,524

Group Art Unit: 1648

Filed: March 8, 2000

Docket: 875.025US1

CPA FILED: NOVEMBER 30, 2001

Title: RAPID GENERATION OF RECOMBINANT ADENOVIRAL VECTORS

PATENT

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PRELIMINARY AMENDMENT

BOX CPA
Assistant Commissioner for Patents
2900 Crystal Drive
Arlington, VA 22202-3513

In response to the final Office Action Advisory Action mailed July 5, 2001 and the Advisory Action mailed October 2, 2001, please amend the application as follows.

IN THE CLAIMS

Please substitute the claim set in the appendix entitled Clean Version of Pending Claims for the previously pending claim set. The substitute claim set is intended to reflect the amendment of claim 16. The specific amendment to claim 16 is detailed in the following marked up claim.

16. [Amended] A cloning system for generating recombinant adenovirus [comprising] consisting essentially of:

- (a) an Ad backbone plasmid consisting essentially of an Ad genome lacking map units 0 to 9.2, wherein the numbering of the map units starts with the lefthand ITR, and
- (b) a shuttle plasmid consisting essentially of Ad sequences from 0 to 1 and 9.2 to 16.1 map units of an Ad genome.

REMARKS

Applicant has carefully reviewed and considered the Advisory Action mailed on October 2, 2001.

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